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OFFICE OF PETITIONS

In re Application of
Francois Lecoester
Application No. 10/677,185
Filed: October 2, 2003
Attorney Docket No. CBL 03262

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on October 20, 2006, to revive the above-identified application.

The application became abandoned for failure to respond to the non-final Office action mailed January 20, 2006. A Notice of Abandonment was mailed on August 23, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The Office also acknowledges receipt of $120 for a one (1) month extension of time filed on October 20, 2006. However, an extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $120 extension of time fee was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card, in due course.

This application file is being referred to Technology Center Art Unit 1742, for review of the amendment filed with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226.

Andrea Smith
Petitions Examiner
Office of Petitions